



**ZONING ADMINISTRATOR
NOTICE OF DECISION**

Date: April 30, 2018
Applicant: Lynne H. Alipio
Case No: CUP18-0004
Address: 1392 E Palomar St, Suite 202, Chula Vista, CA.
(APN 642-560-2102)
Project Planner: Genevieve Hernandez, Assistant Planner

Notice is hereby given that on April 30, 2018 the Zoning Administrator considered Conditional Use Permit (CUP) application CUP18-0004 filed by Linda H. Allplo ("Applicant"). The Applicant requests approval to allow Sweetwater Secondary School to establish an educational resource center for students to meet as part of enrollment in an independent study program through Sweetwater Secondary School ("Project"). The Project is located within a multi-tenant mixed-use commercial complex at 1392 E Palomar Street, Suite 202 ("Project Site"). The Project Site is owned by PREF Heritage LLC ("Property Owner"). The Project Site is split-zoned Residential Multi-Family Two (RM2) and Commercial (C), and has a General Plan Designation of Mixed-Use Residential in the Otay Ranch Sectional Planning Area One (SPA) Plan. The Project is described as follows:

The proposed educational resource center will utilize a 1,493 square-foot tenant space within a multi-tenant, mixed-use commercial space. The educational resource center will operate Monday through Thursday from 7:30 am to 5:00 pm. There will be a total of three employees, with a maximum of two on site during the hours of operation. Class sizes will be limited to 24 students at any given time. The students are primarily of high school age.

Pursuant to section IV.1 "Permitted and Conditional Uses" of the Otay Ranch Sectional Planning Area One (SPA) Plan, public or private educational institutions are permitted subject to the approval of a Conditional Use Permit.

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines because there are no proposed exterior changes or expansion of the existing facility. No further environmental review is required.

The Zoning Administrator, under the provisions of Sections 19.14.030 (A) of the Chula Vista Municipal Code, and the Otay Ranch Sectional Planning Area One (SPA) Plan, has been able to make the findings for approval of this Conditional Use Permit as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable and will provide a service or facility which will contribute to the general well-being of the neighborhood or community.**

The proposed educational resource center will provide students residing in the nearby residential developments with a safe and accessible space to meet and to continue their independent study education program as part of Sweetwater Secondary School. The educational resource center will provide a significant educational benefit to the surrounding community as it is located in a mixed-use center designed to contain essential facilities such as educational institutions, retail shops, child care centers and high-density housing. The use will be conducted at a convenient and accessible location that contains the amenities necessary to support the use, such as an existing suite within a multi-tenant industrial complex and a parking lot that has been designed and allocated for individual tenant spaces.

- 2. That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The Project will comply with applicable sections of the California Building and Fire codes. The use will be conducted entirely indoors, and will not disturb adjacent properties or businesses. The Project is located within a 1,493 square-foot suite of a 28,573 square-foot mixed-used development, and will operate Monday through Thursday from 7:30 am to 5:00 pm. A total of 114 commercial parking spaces are allocated to meet the standards of one space per 250 square-feet as stated in DRC-01-23 approved in January 2001. The site will have a maximum of three employees during hours of operation, with a maximum of 24 students at any given time. The tenant space is allocated six parking spaces, which conforms to the requirement of 1 space per 4 students, cited in the Otay Ranch SPA One Plan PC District Regulations, Part III, Section VII.3.

Although the use will operate during the same peak hours of operation as most of the other businesses in the complex, the total attendance at any given time will not exceed 24 students. Students are only required to attend the educational resource center two times a week. Most students will be dropped off, or utilize public transit, thus reducing the parking demand on site. These combined measures will ensure the business will not create an excessive parking demand that would adversely affect the operation of adjacent businesses.

- 3. That the proposed use will comply with the regulations and conditions specified in the code for such use.**

The use complies with all regulations and conditions specified in the Otay Ranch Sectional Planning Area One (SPA) Plan. The required parking for this use meets current standards, and the operation will not increase the number of spaces currently required and provided within the entire Otay Ranch Heritage Town Center. The conditions of this CUP are in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use. The approval of this CUP is contingent on the Applicant's and Property Owner's commitment to satisfy all

conditions of approval for the proposed use, and will comply with all applicable Otay Ranch Sectional Planning Area One (SPA) Plan Chula Vista Municipal Code regulations.

4. That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The Project, as approved by this CUP pursuant to the Chula Vista Municipal Code, is consistent with permitted land uses and will not adversely affect implementation of the General Plan. The General Plan designates the site as Mixed-Use Residential (MUR). Granting the educational resource center will not alter the land use pattern of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP18-0004, as described above subject to the following conditions of approval:

I. Prior to the issuance of building permits and/or the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

1. The Property Owner or Authorized Representative/Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Authorized Representative/Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department within 30 days. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner and Authorized Representative /Applicant's desire that the Project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Applicant

Date

Printed Name of Applicant

Signature of Authorized Property Owner

Date

Printed Name of Property Owner

Building Division Condition:

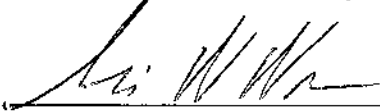
2. If the Applicant is to modify the interior of the suite, a building permit will be required.
3. The Applicant shall provide a note on the cover sheet indicating this Project will comply with 2016 California Building Code, 2016 California Energy Code, 2016 California Fire Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Mechanical Code, and 2016 California Green Standards Code as adopted and amended by the State of California and the City of Chula Vista.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

4. The Applicant shall maintain the Project in accordance with the approved plans for CUP18-0004 stamped April 30, 2018 which includes a site plan, floor plan and elevations.
5. Approval of this Conditional Use Permit shall not waive compliance with any sections of Title 19 (Zoning) of the Municipal Code, the Otay Ranch Sectional Planning Area One (SPA) Plan nor any other applicable City Ordinances in effect at the time of building permit issuance.
6. This Conditional Use Permit authorizes only the use specified in the application for CUP18-0004. Any new use, modification or expansion of the use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
7. This Conditional Use Permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this Conditional Use Permit to be reviewed by the City for additional conditions or revocation.
8. The Applicant/Operator's shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Operator's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.

9. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this Conditional Use Permit.
10. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages from their violation. Applicant or successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 30th day of April, 2018.



Michael W. Walker,
Zoning Administrator